

12/9/2019

Clerk, U.S. District Court
District of Montana
Helena Division

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

JESS J. DAVIES
Plaintiff,

vs.

**UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY; and
ANDREW WHEELER,
Administrator,
Defendants.**

CV 17-115-H-BMM

**ORDER GRANTING LEAVE TO
HAVE LOCAL COUNSEL ABSENT
FROM A DECEMBER 12
DEPOSITION**

Plaintiff, **JESS J. DAVIES**, (“Plaintiff”), moves pursuant local rule 83.1(d)(6) for leave to proceed with a scheduled, telephonic deposition without local counsel attending. Plaintiff represents that Scott Peterson only took over as local counsel as of December 4, 2019, because of prior counsel’s suspension.

The parties had previously scheduled a deposition for December 12, 2019 before Mr. Peterson’s appearance, and Mr. Peterson has a previously scheduled mediation on that same date.

Rather than re-schedule the deposition or mediation, Plaintiff asks leave, pursuant to local rule 83.1(d)(6), that pro hac vice counsel be allowed to conduct this deposition without local counsel present. Plaintiff argues this particularly prudent because local counsel would little to add substantively to the deposition, given is

only recent involvement in the matter.

Opposing counsel takes no position regarding the motion.

Given the circumstances surrounding the scheduling,

IT IS ORDERED that Plaintiff is given to have local counsel absent from the December 12, 2019 deposition.

Dated this 9th day of December 2019

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge